



# Public Notice

US Army Corps  
of Engineers  
Memphis District

REPLY TO ATTN: Reggie Wuornos  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0731  
Fax (901) 544-3266  
Email: reginald.c.wuornos@usace.army.mil  
**POSTMASTER PLEASE POST UNTIL: February 27, 2004**

PUBLIC NOTICE NO:  
**AR-2003-545 (RW)**  
REFERENCE NUMBER:  
**200300545**  
PUBLIC NOTICE DATE: January 28, 2004  
EXPIRATION DATE: February 27, 2004

**Joint Public Notice**  
**Corps of Engineers**  
**and**  
**State of Arkansas**

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

**APPLICANT:** David Jordening  
Two Rivers Hunting Club  
100 N. Main Building, Suite 3100  
Memphis, Tennessee 38103  
(901) 526-7631

**AGENT:** Thomas E. Heineke  
Heineke & Associates, Inc.  
3014 Sycamore View Road  
Bartlett, Tennessee 38134-5962  
(901) 373-3289

**LOCATION:** The project is located 8 miles north of Helena, Arkansas, Section 20, 21, 28, 29, and 33, Township 1N, Range 13W, in Lee County, Arkansas, at approximate latitude 34-39-22.3178 and longitude 90-35-27.6539 on the 7.5 minute Stubbs Island MS/AR quadrangle map, (see attached topographic map, aerial photograph, and vicinity map).

**PURPOSE:** The purpose of the project is to create a lake for waterfowl hunting and fishing.

**DESCRIPTION OF WORK:** The intent is to impound water to create a 105-acre lake by installing a weir within a run-out of the Mississippi River. The weir will have a maximum elevation of 170 NGVD and would be placed approximately 0 to 150 feet downstream of an existing weir and approximately 800 feet upstream of the confluence of the run out with the Mississippi River. The upstream side of the weir shall have a slope of 1.5H:1V, and the downstream side shall have a slope of 2H:1V. Construction of the weir would result in 0.5 acres of direct impacts to wetlands. To offset impacts to wetlands the applicant is offering in-kind, on-site wetland restoration at a 2:1 ratio. Therefore, a total of 1 acre of farmed land would be restored. The mitigation site is located approximately 1.5 miles north of the proposed weir. The applicant anticipates no secondary impacts to the surrounding black willow, (*Salix nigra*), dominated wetlands due to the design of the weir elevation. A maximum of 1 foot of water would inundate approximately 71 acres of black willow wetlands. The applicant has agreed to drop the lake level to elevation 169 NGVD every third year to ensure survivability of the black willows.

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

**ENDANGERED SPECIES:** No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

David Jordening  
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**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Reggie Wuornos at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0731. The Corps may provide copies of all comments, including the names and address of commenters, to the applicant for consideration and response prior to a decision.

Comments should be received by February 27, 2004.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments


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Stubbs Island MS

US

**Notes:**


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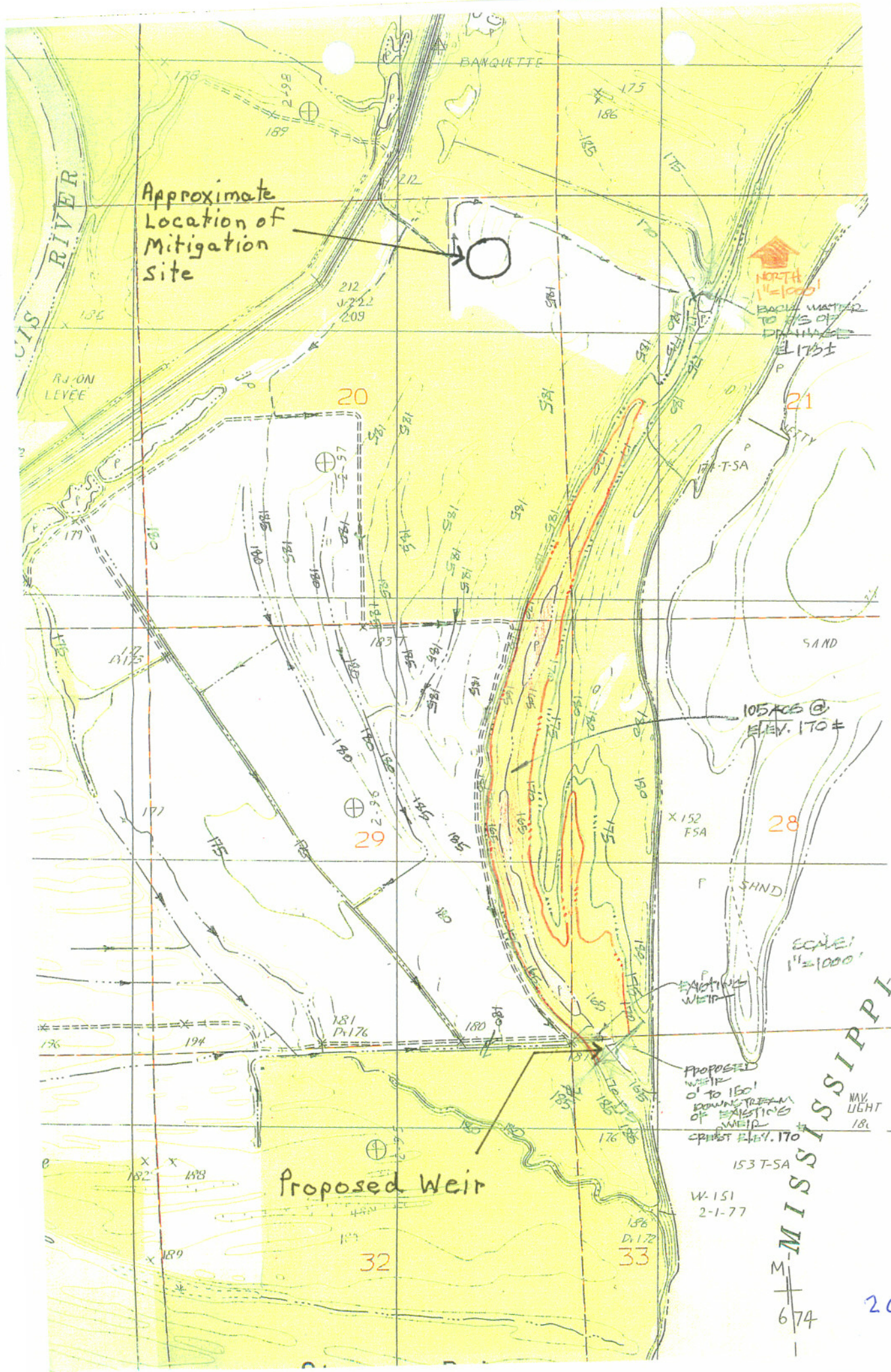
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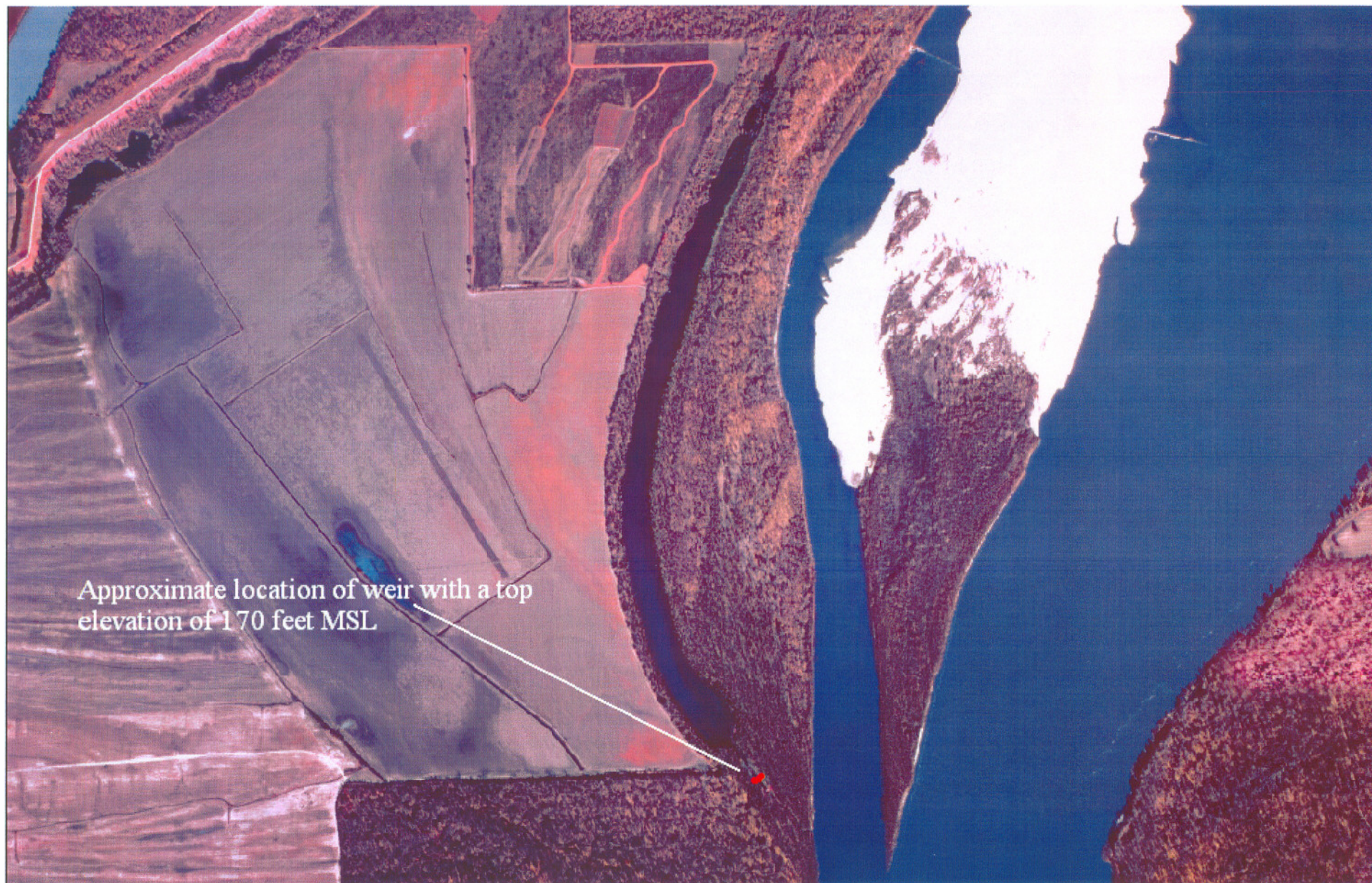
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Vicinity Map

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200300545 Two Rivers Hunting Club c/o G.A. Robinson Land Company. Lake creation for waterfowl hunting and fishing. DOQQ CIR Aerial Photo; Stubbs Island MS/AR Quad, Zone 15, Sections 20, 21, 28, 29, 33, T1N, R13W